

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SAXON INNOVATIONS, LLC,

Plaintiff,

V.

APPLE INC., GATEWAY, INC., GATEWAY
COMPANIES, INC., ACER AMERICA
CORP., ACER, INC., HEWLETT-PACKARD
CO., DELL, INC., ASUS COMPUTER
INTERNATIONAL, INC.,

Defendants,

and

INTEL CORP.,

Intervenor/Defendant.

Case No. 6:08 CV 265

JURY TRIAL DEMANDED

JOINT MOTION TO EXTEND DEADLINE

TO SUBMIT NOTICE REGARDING MEDIATOR

Plaintiff, Saxon Innovations, LLC and Defendants, Apple Inc., Gateway, Inc., Acer America Corp., Acer, Inc., Hewlett-Packard Company, Dell, Inc., Asus Computer International, Inc., and Intervenor/Defendant Intel Corp. (collectively, “the Parties”) hereby move to extend the July 13, 2009 deadline (set by the Court in its June 30, 2009 Order) to submit a notice identifying the mediator agreed by the parties or informing that an agreement could not be reached.

Pursuant to the Court's Order dated June 30, 2009, the Parties are meeting and conferring to agree on a mediator. Due to the number of parties and issues involved, the Parties respectfully request an extension of time from July 13, 2009 until July 27, 2009 to submit the notice described above to the Court. It is anticipated that the proposed extension will facilitate the

Parties' ability to agree on a mediator. This brief extension will not affect any of the other dates set forth in the Court's Docket Control and Discovery Orders dated June 15, 2009.

The Parties respectfully request that the Court extend the deadline to submit the notice identifying the mediator agreed by the parties or informing that an agreement could not be reached from July 13, 2009 until and including July 27, 2009.

DATED: July 13, 2009

RESPECTFULLY SUBMITTED,

For Plaintiff:

/s/ Cavin Capshaw, with permission by
Michael E. Jones

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
N. Claire Abernathy
State Bar No. 24053063
CAPSHAW DeRIEUX, LLP
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com
Email: chenry@capshawlaw.com

Stephen D. Susman
State Bar No. 19521000
Max L. Tribble, Jr.
State Bar No. 20213950
Joseph S. Grinstein
State Bar No. 24002188
Amira M. El-Hakam
State Bar No. 24059715

For Defendants and Intervenor/Defendant:

/s/ Michael E. Jones

Michael Edwin Jones
State Bar No. 10929400
POTTER MINTON PC
110 North College, Suite 500
P.O. Box 359
Tyler, Texas 75710-0359
Telephone: (903) 597-8311
Facsimile: (903) 593-0846
Email: mikejones@potterminton.com

Of Counsel:

David J. Burman
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Telephone: (206) 359-8426
Facsimile: (206) 359-9426
Email: dburman@perkinscoie.com
Jonathan M. James (pro hac vice)
PERKINS COIE BROWN & BAIN P.A.
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012
Telephone: (602) 351-8440
Facsimile: (602) 648-7032
Email: jjames@perkinscoie.com

SUSMAN GODFREY, L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
Email: ssusman@susmangodfrey.com
Email: mtribble@susmangodfrey.com
Email: jgrinstein@susmangodfrey.com
Email: aelhakam@susmangodfrey.com

Attorneys for Plaintiff,
SAXON INNOVATIONS, LLC

Of Counsel:

Michael F. Heim
State Bar No. 09380923
Federal ID: 8790
Russell A. Chorush
State Bar No. 24031948
Micah J. Howe
State Bar No. 24048555
Douglas R. Wilson
HEIM, PAYNE & CHORUSH, L.L.P.
600 Travis Street, Suite 6710
Houston, Texas 77002-2912
Email: mheim@hpcllp.com
Email: rchorush@hpcllp.com
Email: mhowe@hpcllp.com
Email: dwilson@hpcllp.com

Attorneys for Intervenor/Defendant
INTEL CORPORATION

Also submitted with permission on behalf of:

*/s/ Eric M. Albritton, with permission by
Michael E. Jones*

Eric M. Albritton
Attorney at Law
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397
Email: ema@emafirm.com

Winslow B. Taub
Michael M. Markman
Samuel F. Ernst
COVINGTON & BURLING LLP
One Front Street
San Francisco, California 94111-5356
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
Email: wtaub@cov.com
Email: mmarkman@cov.com
Email: sernst@cov.com

Attorneys for Defendant
APPLE, INC.

*/s/ Eric H. Findlay, with permission by
Michael E. Jones*

Eric H. Findlay
FINDLAY CRAFT
6760 Old Jacksonville Hwy., Suite 101
Tyler, Texas 75703
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
Email: efindlay@findlaycraft.com

Bryan D. Atkinson
William B. Farney
DECHERT LLP
300 West 6th Street, Suite 1850
Austin, Texas 78701

Telephone: (512)-394-3000
Facsimile: (512) 394-3001
Email: bryan.atkinson@dechert.com
Email: bryan.farney@dechert.com

Jonathan D. Baker
DECHERT LLP
2440 W. El Camino Real, Suite 700
Mountain View, California 94040-1499
Telephone: (650) 813-4800
Facsimile: (650) 813-4848
Email: jonathan.baker@dechert.com

Attorneys for Defendants
GATEWAY, INC., ACER AMERICA CORP.,
and ACER, INC.

/s/ Winstol D. Carter, Jr., with permission by
Michael E. Jones

Winstol D. Carter, Jr.
Preetam A. Shingavi
F. Teresa Garcia-Reyes
MORGAN LEWIS & BOCKIUS
1000 Louisiana Street, Suite e4200
Houston, Texas 77002
Telephone: (713) 890-5000
Facsimile: (713) 890-5001
Email: wcarter@morganlewis.com
Email: pshingavi@morganlewis.com
Email: tgarcia-reyes@morganlewis.com

Attorneys for Defendant
HEWLETT-PACKARD CO.

/s/ Michael J. Newton, with permission by
Michael E. Jones

Michael J. Newton
Stacy G. White
Jason W. Cook
ALSTON & BIRD
2200 Ross Avenue, Suite e3601
Dallas, Texas 75201
Telephone: (214) 922-3400
Facsimile: (214) 922-3899

Email: mike.newton@alston.com

Email: stacey.white@alston.com

Email: jason.cook@alston.com

Attorneys for Defendant
DELL, INC.

*/s/ Scott E. Stevens, with permission by
Michael E. Jones*

Scott E. Stevens

Kyle Nelson

STEVENS LAW FIRM

111 W. Tyler Street

Longview, Texas 75601

Telephone: (903) 753-6760

Facsimile: (903) 753-6761

Email: scott@seslawfirm.com

Email: kyle@seslawfirm.com

Patrick D. Benedicto

OKAMOTO & BENEDICTO LLP

1734 North First Street, Suite 270

San Jose, California 95112

Telephone: (408) 436-2112

Facsimile: (408) 408-436-2114

Email: Patrick@oblpl.com

Gregory P. Love

LOVE LAW FIRM, P.C.

109 West Tyler Street

Longview, Texas 75606

Telephone: (903) 212-4444

Facsimile: (903) 230-5684

Email: gplove@mac.com

Attorneys for Defendant
ASUS COMPUTER INTERNATIONAL,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 13th day of July, 2009.

/s/ Michael E. Jones